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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/037,797	10/25/2001	Paul Eusterbrock	13414/311	6941
7590 03/08/2005 Oppenheimer Wolff & Donnelly LLP Suite 3300 45 South Seventh Street Minneapolis, MN 55402-1609			EXAMINER ZEADE, BERTRAND	
			ART UNIT 2875	PAPER NUMBER

DATE MAILED: 03/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

CJ

CORRECTIVE
Office Action Summary

Application No.

10/037,797

Applicant(s)

EUSTERBROCK ET AL.

Examiner

Bertrand Zeade

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____. 6) ☐ Other:

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 1-11 have been considered but are moot in view of the new ground(s) of rejection.

Applicant is advised that this office action is a corrective office action addressing claims 1-11. Applicant is also advised that the previous statutory time/period has been withdrawn.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claim 4 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The claimed limitation---a G9 socket----is considered to be new matter, because it does not constitute subject matter which was properly described in the application as filed. There is no showing in the drawings or description in the specification as originally filed which refers to ----a G9 socket----and

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consequently raises doubt as to possession of the claimed invention at the time of filing.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 8 is rejected under 35 U.S.C. 102(b) as being anticipated by Leen (U.S.5984490).

Leen (5984490) discloses a portable double-bulb halogen work light/floodlight having:

Regarding claim 8 as shown in (figs. 1-2), a housing (17), a plurality of halogen light bulb unit (23, 21) generally uniformly spaced within the housing (17). The plurality of halogen light bulb units (21, 23) having a total lighting power generally equal to a single high-watt halogen bulb system, and a shield (col. 2, lines 50-51) connected to the housing (17), for inhibiting access to the plurality of halogen light bulb units (21, 23) are between the shield and the housing, and a switch (63/65) for commonly switching the plurality of halogen light bulb units (21, 23); wherein the

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halogen light bulb units (21, 23) have an operating temperature such that the temperature of the shield stays below a temperature that would ignite a flammable material.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Leen (5984490).

Leen ('490) discloses the claimed invention except for five 60-watt light bulb units.

However, the use of Lee two halogen light bulb units allows the portable halogen work to be used as low or high-light output work-light equivalent to the five 60 watt.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to use two halogen light bulb units as taught by Lee, since it has been held that mere duplication of the essential working parts of a device involves only routine skill in the art. *St. Regis Paper Co. V. Bemis Co.*, 193 USPQ 8.

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6. Claims 1-3, 6-7 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lavy (U.S.6059426) in view of Leen ('490).

Lavy (>426) discloses a lamp head incorporated with anti-combustion arrangement having:

Regarding claim 1 as shown in (figs. 1,2,3B), a housing or head (10), a bulb unit (52) generally uniformly spaced within the housing (10), a shield (53) connected to the housing, for inhibiting access to the light halogen bulb unit (52) from above. The shield (53) is positioned such that the halogen light bulb unit (52) is between the shield (53) and the housing.

Regarding claim 2, there is a vent area (611) for heated air from the lamp (52).

Regarding claim 3, there is a heat sensor (90) placed within the housing, for shutting off the light bulb units at a threshold temperature.

Lavy (>426) does not disclose using a plurality of halogen light bulb units as applied to claim 1 above.

However, Leen.(>490) teaches a portable double-bulb halogen work light/floodlight having:

Regarding claim 1 as shown in (fig. 1) of Leen (5984490), a plurality of halogen light bulb units (21, 23) generally uniformly spaced within the housing, a switch (63/65) for commonly switching the plurality of halogen light bulb units (21,23), wherein the plurality of halogen bulbs (21,23) are configured such that the temperature of the shield on the surface opposite the plurality of halogen bulbs stay below a temperature that would ignite a flammable material.

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Regarding claim 6 as shown in (fig. 1) of Leen (5984490), a tilt switch (63/65) for shutting off the plurality of halogen light bulb units (23) when the housing is moved from a specified orientation.

Regarding claim 7 as shown in (figs. 1-2), of Leen (5984490), a torchere or halogen lamp (13) base member (99) for supporting the housing (17), the plurality of halogen bulb units (23) and the shield, and a torchere support member (93) disposed between the base the base member (99) and the housing (17), wherein the shield limits access to the plurality of halogen light bulb units (23) from above.

Regarding claim 11 as shown in (fig. 1-) of Leen (5984490), the temperature remains below 500°F well known to one having ordinary skill in the art.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the lamp head incorporated with anti-combustion arrangement of Lavy (>426) with the plurality of halogen light bulb units taught by Leen (>490), in order to increase the light output, this includes an open-sided housing in which at least two halogen bulbs are located. The use of two bulbs allows the illumination device to be used as a low-light output or a high-light output.

7. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Leen (5984490).

Leen ('490) discloses the claimed invention except for five 60-watt light bulb units.

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However, the use of Lee two halogen light bulb nits allows the portable halogen work to be used as low or high-light output work-light equivalent to the five 60 watt.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to use two halogen light bulb units as taught by Lee, since it has been held that mere duplication of the essential working parts of a device involves only routine skill in the art. *St. Regis Paper Co. V. Bemis Co.*, 193 USPQ 8.

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8. **Contact Information**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bertrand Zeade whose telephone number is 571-272-2387. The examiner can normally be reached on 9:30 AM-5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on 571-272-2378. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Bertrand Zeade
Examiner
Art Unit 2875


Stephen Husar
Primary Examiner